

Ordinance 02-7

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SUBDIVISION CONTROL ORDINANCE

SECTION 1.00. TITLE

This ordinance shall be known and may be cited as the "Subdivision Control Ordinance of Newton County, Indiana."

SECTION 1.10. PURPOSE

- (1) To protect and provide for the public health, safety and general welfare of the County.
- (2) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies.
- (3) To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- (4) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- (5) To guide public and private policy and action to provide adequate and efficient facilities, the most aesthetically pleasing and beneficial interrelationships between land uses, and to conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

SECTION 1.20. AUTHORITY

This Ordinance is adopted pursuant to the authority of the 700 SERIES IC 36-7-4, and all acts amendatory and supplemental thereto.

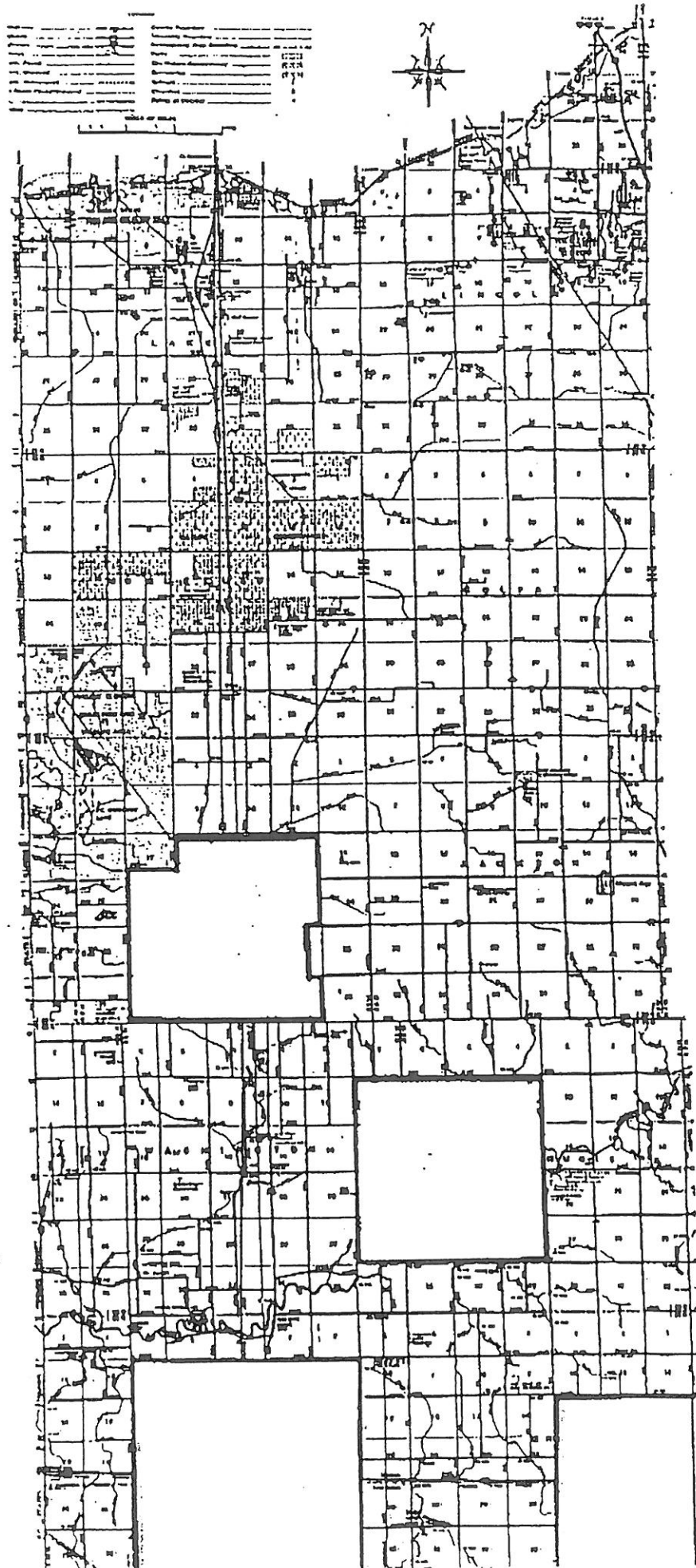
SECTION 1.30. TERRITORIAL LIMITS

The provisions of this Ordinance shall apply to all lands, properties, buildings and structures in the unincorporated portions of Newton County, Indiana, which are within the jurisdiction of the Newton County Planning Commission and included in the Newton County Comprehensive Plan. See Fig. 1

SECTION 1.40. ESTABLISHMENT OF CONTROL

A plat of a subdivision may not be filed with the auditor; and the recorder may not record it, unless it has been granted secondary approval and signed and certified by the officials herein designated. The filing and recording of the plat is without legal effect unless approved by the Plan Commission or the Plat Committee.

No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this ordinance, and no excavation of land nor construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the County.



NEWTON
COUNTY

Base
Map



Copyright, THE NATIONAL SURVEY, INC., 2000
"The Home of Plot Maps"
Denver, Colorado 80146
Unreproduced in 1996
4 inch wide by 6 inch high

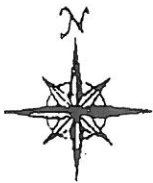


Figure 1
Territorial
Limits

SECTION 2.00. DEFINITION OF TERMS

For the purpose of this Ordinance, the definition of terms found in Section 2.00. of Ordinance 94-1, "The Newton County, Indiana Zoning Ordinance", shall apply and certain words and terms are defined as follows:

Plat - A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Plat Committee - A Committee, created herein, of five (5) persons appointed by the Plan Commission to hold hearings on and approve plats and replats of minor subdivisions on behalf of the Commission.

Primary Approval - An approval or conditional approval granted to a subdivision by the Plan Commission or Plat Committee after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance.

Resubdivision (replat) - A change in a map of an approved or recorded subdivision plat if such change affects any road layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Secondary Approval - An approval granted a plat of a subdivision by the Plan Commission or Plat Committee which when approved and signed by the designated officials, may be filed with the County Auditor and submitted to the County Recorder for recording.

Subdivider - Any person responsibly engaged in developing or improving a tract of land which complies with the definition of a subdivision herein.

* **Subdivision** - A division of a tract or parcel of land into two or more lots for the purpose of immediate or future transfer of ownership for development including all changes in road or lot lines. During any two year period only one subdivision or other division of land from the parent tract or parcel will be approved without the granting of a variance under the provisions of this Subdivision Control Ordinance. The two year period starts effective on the date of the recording of the previous, if any, subdivision plat or sold off tract or parcel.

Subdivision, Minor - A subdivision of a tract or parcel of land into no more than five(5) lots each being a minimum of one and a half (1.5) acres in size which does not involve the creation of a new public road. Each lot must front on an existing public road. Such lots shall comply in all other respects with this ordinance.

Subdivision, One Lot - A division of a tract or parcel of land resulting in a one lot building site containing at least 1 acre. The lot must front on an existing public road. Such lot shall comply in all other respects with this ordinance.

Other Divisions of Land - Divisions of land of 3 or more acres for agricultural purposes not involving any new roads shall not be interpreted as a subdivision. The sale of a residence with any accompanying outbuildings, or if there is no residence, the sale of any outbuildings from a farm shall not be interpreted

subdivision, if any, or other division, if any, of the parent tract or parcel. Development plans are to be reviewed by the Technical Review Committee before a building permit will be issued for any sold off tract or parcel to insure size, shape, drainage, and health problems, if any, are satisfied. Also, before a building permit is issued the owner shall provide the Building Department with the required documentation including, but not limited to, a Plat of Survey signed and sealed by a land surveyor registered in the State of Indiana. The tract or parcel is to be monumented in accordance with this ordinance.

Tracts or parcels containing less than 3 acres and recorded on the public record as of July 1, 2002 shall not be interpreted as a subdivision.

Technical Review Committee - The committee, established by rule, to review preliminary plats and/or engineering drawings for technical conformity to, but not limited to: the Zoning Ordinance; the Subdivision Control Ordinance; and standards regarding sewage disposal, water supply, drainage and erosion control. The technical review committee is authorized to make recommendations to the developer(s) and to the Commission regarding the proposed plat. The Committee may not grant a variance.

Thoroughfare Plan - The part of the Comprehensive Plan, now or hereafter adopted, which sets forth the location alignment and dimensions of existing and proposed public roads, highways and other thoroughfares.

Zoning Ordinance - The part of the Comprehensive Plan which includes an ordinance and zone map which divides the jurisdiction of the Commission into districts, with regulations, requirements and procedures for the establishment of land use controls, and which indicates where the subdivision of land may occur; specifically, Ordinance 94-1 or its successor, titled "The Newton County, Indiana Zoning Ordinance."

SECTION 3.00. POLICY

- (1) It is hereby declared to be the policy of the County to consider the subdivision of land and subsequent development as subject to the official Comprehensive Plan and related policies (such as those embodied in The Newton County, Indiana Zoning Ordinance) for the orderly and efficient development of the County.
- (2) No land shall be subdivided for development if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth or rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.
- (3) No land shall be subdivided for residential or commercial use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the developer.
- (4) Both existing and proposed public facilities serving the subdivision shall conform to the County Comprehensive Plan and related policies and implementation programs including the Zoning Ordinance, Zoning Maps, and Building Codes.

SECTION 4.00. APPLICATION PROCEDURES

- (1) In order to begin the subdivision process, the subdivider or agent shall submit a written application for primary approval of a subdivision and five (5) copies of a plat or preliminary plat of said subdivision to the Building Commissioner.

- (2) The application shall specify the name and address of the applicant, the proposed name of the proposed subdivision, the location (legal description), area, number of lots, and the name and address of registered surveyor preparing the subdivision plat.
- (3) A report from a qualified soil scientist as to the suitability of the proposed site for development, especially for on site sewage disposal.
- (4) The application shall be accompanied by a filing fee of \$100.00 for five (5) lots or less or \$200.00 for more than five (5) lots. No part of this filing fee shall be returnable to the applicant.

SECTION 5.00. PRELIMINARY PLAT

A preliminary plat is required for all subdivisions other than minor subdivisions or resubdivisions. Preliminary plats for minor subdivisions or resubdivisions may be submitted at the subdivider's discretion. The preliminary plat approval process is designed to assist the subdivider conform to the technical standards established by this Ordinance.

SECTION 5.10. STANDARDS FOR PRELIMINARY PLAT

(1) SCALE

- (A) The plat shall be dimensioned and drawn to a scale of one hundred (100) feet to one (1) inch, or a reasonable scale, on a sheet no less than twenty (20) by twenty-four (24) inches nor more than twenty-four (24) by thirty-six (36) inches in size. More than one sheet may be required.
- (B) Lettering shall be not less than 1/10 inch in height so as to be legible on a reduced drawing.

(2) KEY MAP

The plat shall include a vicinity map at an approximate scale showing the layout of the proposed subdivision and all existing subdivisions, roads and tract lines of parcels immediately adjoining the proposed subdivision.

(3) DESCRIPTION

The plat shall contain the following descriptive elements:

- (A) Proposed name of the subdivision.
- (B) Location of proposed site including complete legal description.
- (C) Name and address of subdivider.
- (D) Name and address of registered land surveyor preparing the plat.
- (E) Scale of plat, including graphic scale, north arrow and date.

(4) EXISTING PHYSICAL FEATURES

The existing physical features shall be shown as follows:

- (A) Boundary lines of proposed subdivision indicated by a solid heavy line.
- (B) Location, width, and numbers (names) of all existing or prior platted roads or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or other structures, and section and municipal corporation lines within or adjacent to the tract.
- (C) In the case of a resubdivision (replat), all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to new arrangements of the plat; the new plat being clearly shown in solid lines.
- (D) Existing drainage ditches, sewers, water mains, culverts or other underground facilities within the tract indicating pipe sizes, grades, and exact location as obtained from public records.
- (E) Boundary lines of adjacent land showing owners' names.
- (F) Existing zoning of proposed subdivision.
- (G) Contours based upon fixed and easily recognizable datum at no more than five (5) feet nor less than one (1) foot vertical intervals as required by the Commission. At the discretion of the Technical Review Committee contours may be omitted from minor and one lot subdivision plats.

(5) PROPOSED IMPROVEMENTS

The proposed improvements shall be shown as follows:

- (A) Proposed roads, their road numbers (names) and widths, along with the width of alleys and easements. The numbers or names of roads shall conform to the provisions of Ordinance 91-3, road numbering, naming, rural house numbering.
- (B) Layout, dimensions, areas, and numbers of lots.
- (C) Parcels of land to be dedicated or reserved for public use or set aside for use by property owners in the subdivision.
- (D) Building setback lines, showing dimensions.
- (E) A site plan must be submitted in the Business and Industrial Districts, and for Planned Unit Developments.

SECTION 5.20. PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT

Upon receipt of an application for a certificate of approval, the Building Commissioner or designee shall review the application for conformity with the standards fixed in the Subdivision Control Ordinance. Within thirty (30) days after receipt, the Building Commissioner or designee shall announce the date of the hearing before the Plat Committee or Technical Review Committee. At the informal

hearing, the Committee may give its approval of the preliminary plat subject to the following qualifications:

- (1) The approval of a preliminary plat by the Committee is strictly tentative, involving merely the general acceptability of the plat.
- (2) The Committee may introduce such changes or revisions as are deemed necessary to satisfy this Ordinance or the interests and needs of the community.
- (3) Approval of a preliminary plat shall be effective for a maximum period of six (6) months. If the plat and engineering drawings of the subdivision or the plat and engineering drawings of the first phase of the subdivision for subdivisions to be constructed in phases have not received primary approval within the stated time period the preliminary plat must again be submitted for approval. Usually, engineering drawings for the whole subdivision will be given approval along with approval of the first phase.

SECTION 6.00. PRIMARY APPROVAL OF PLAT

- (1) Upon receipt of an application for primary approval and/or approval of the preliminary plat by the Committee, the subdivider shall submit a plat prepared in accordance with the standards of Section 6.10. of this Ordinance. Within 30 days of the receipt of said application, the Building Commissioner or designee shall announce the date for a hearing for primary approval before the Plan Commission or Plat Committee. Public notice, when required, shall be given in accordance with Section 6.21 or Section 6.22 of this Ordinance and IC 36-7-4-706.
- (2) Approval by the Newton County Drainage Board, or its designee, is required before primary approval of a plat may be granted by the Commission or Plat Committee.
- (3) Approval of the plan and profile of any new roads and approval of any other engineering drawings or calculations by the County Engineer, Highway Superintendent, or Surveyor is required before primary approval of a plat may be granted by the Plan Commission.
- (4) For subdivisions to be constructed in phases primary approval must be received before construction can begin on that phase. If the requirements of subdivision ordinance change before the plat of a subsequent phase has received primary approval the plat and engineering drawings of the subsequent phase shall be in accordance with the revised ordinance before primary approval will be granted
- (5) If a plan is required by the then current regulations, an application for approval of the Subdivision Soil Erosion Control Plan must be filed with the Newton County Soil & Water Conservation District before primary approval will be granted by the Plan Commission or Plat Committee.

SECTION 6.10. STANDARDS FOR PLAT

Applicant shall submit one (1) reproducible mylar print and six (6) black or blue-line prints of the plat drawn to the same scale as the preliminary plat (Section 5.10.(1)) for recording. The plat shall, at a minimum, show the following:

- (1) All information supplied on the preliminary plat as required by Section 5.10. of this ordinance except that for subdivisions containing new roads the contours need not be

shown on the final plat for recording providing that the County Surveyor is provided with a mylar showing the contours existing prior to construction, and the proposed contours after construction.

- (2) The name and certificate (Section 9.00.(5)) of the land surveyor.
- (3) Boundary of plat, based upon accurate survey with angular and lineal dimensions.
- (4) True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat.
- (5) City, township, county or section lines accurately tied to the lines of the subdivision by distances and directions.
- (6) Radii, internal angles, central angles, points of curvature and tangency, lengths of tangents or chords and lengths of all arcs.
- (7) Accurate locations of easements for right-of-way provided for public services or utilities showing widths and purposes of easements. See Sec. 7.30 (9)
- (8) All lot and block numbers and lines, with accurate dimensions in feet and hundredths including the area of each lot. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions.
- (9) Lines of all streets with accurate dimensions in feet and hundredths, showing angles to streets, alley and lot lines.
- (10) Accurate location of all monuments.
- (11) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and of any area to be reserved by deed covenant for common uses of all residents.
- (12) Building setback lines accurately shown with dimensions. See Sec. 6.20 of the Zoning Ordinance.
- (13) Easements for drainage of surface and/or subsurface water as required by the Newton County Board of Health and/or the Newton County Drainage Board.
- (14) Restrictive covenants of all types.
- (15) Certificate of primary approval (Section 9.00.(1)).
- (16) Certificate of secondary approval. (Section 9.00(2)).
- (17) Certificate of acceptance of roads when applicable. (Section 9.00.(3)).
- (18) Certificate of acceptance of drainage systems. (Section 9.00.(4)).
- (19) Covenants are to be reviewed and recorded with the plat. If there are no covenants a statement must be on the plat stating replats will not be permitted.
- (20) Deed of dedication. (Section 9.00. (6)).

- (21) Notary certificate. (Section 9.00. (7)).

SECTION 6.20. HEARING FOR PRIMARY APPROVAL OF PLAT

SECTION 6.21. MINOR SUBDIVISIONS

Hearings for minor subdivisions will be conducted by the Plat Committee.

- (1) Public notice of said hearing is not required. Within ten (10) days after primary approval, the Building Commissioner or designee shall provide due notice to interested parties of their right to appeal to the Commission. Interested parties shall include all owners of record of property within 300 feet of the proposed subdivision boundaries.
- (2) If, after the hearing, the Plat Committee determines that the application and plat comply with the standards of this Ordinance, it shall make written findings and a decision granting primary approval to the plat.
- (3) If, after the hearing, the Plat Committee disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy.
- (4) An applicant or other interested party may appeal to the Plan Commission the primary approval or disapproval of a plat, or the imposition of a condition of primary approval by the Plat Committee. A notice of appeal must be filed with the Commission within ten (10) days after the action of the Plat Committee. An interested party may appeal the approval of a plat by the Committee to the Plan Commission by filing notice of appeal not more than ten (10) days after a copy of the Plat Committee's action is mailed to the interested party. Notice shall be given and a hearing held by the Commission. The Commission has the same power as the Committee to approve, disapprove, or impose conditions on the approval of plats.

SECTION 6.22. OTHER SUBDIVISIONS

Hearings for plats or replats of subdivisions other than minor subdivisions will be conducted by the Plan Commission.

- (1) After a date for a hearing before the Commission has been announced, the Building Commissioner or designee shall:
 - (A) notify the applicant in writing;
 - (B) give notice of the hearing by publication, including the legal description of the boundaries of the proposed subdivision, in accordance with IC 5-3-1; and
 - (C) provide for due notice to interested parties as prescribed by rule. Interested parties shall include all owners of record of property within 300 feet of the proposed subdivision boundaries.
- (2) If, after the hearing, the Plan Commission determines that the application and plat comply with the standards of this Ordinance, it shall make written findings and a decision granting primary approval to the subdivision.

- (3) If, after the hearing, the Plan Commission disapproves the subdivision, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy.
- (4) Primary approval or disapproval of a subdivision by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that maybe reviewed by appeal procedure as provided by IC 36-7-4-1016

SECTION 6.30. SECONDARY APPROVAL OF PLAT

The Commission may grant secondary approval for all or any part of a plat of a subdivision which has therefore been given primary approval, or the Commission may delegate the authority to grant such secondary approval.

- (1) Secondary approval may be granted only after the time provided for primary approval appeal has expired.
- (2) Secondary approval shall be granted to a plat of a subdivision or a phase of a subdivision in which the improvements and installations have been completed as required by this Ordinance and so delineated on the plat.
- (3) Secondary approval may be granted to a plat for a subdivision in which the improvements and installations have not been completed as required by this Ordinance, if
 - (A) The applicant provides a bond or other proof of financial responsibility that is in an amount determined to be sufficient to complete the improvements and installations and provide surety satisfactory to the Commission; or
 - (B) with respect to the installation or extension of water, sewer, or other utility service; the applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service and the Commission determines that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this Ordinance.
- ~~(4)~~ No notice or hearing is required for secondary approval.
- (5) Plats not recorded within 6 months after secondary approval shall be considered void.
- (6) If a plan is required by the then current regulations, approval of the Subdivision Soil Erosion Control Plan must have been granted by the Newton County Soil & Water Conservation District or a letter of approval to start construction must be received by the Plan Commission before secondary approval of the subdivision plat will be granted.
- (7) The developer shall seek secondary approval of a plat as quickly as possible after all of the requirements of this ordinance are met.

SECTION 6.40 VACATION OF PLATS

The Plan Commission, proceeding in accordance with IC 36-7-3, has exclusive control over the vacation of plats or parts of plats.

- (1) Applications for the vacation of plats or parts of plats will be handled in the same

manner as applications for primary approval of plats with regard to due notice and hearings.

- (2) Upon approval of an application to vacate a plat or portion of a plat, the applicant shall supply a metes and bounds description that accurately describes the newly created parcel of land.

SECTION 7.00. STANDARDS OF DESIGN

SECTION 7.10. ROADS AND ALLEYS

(1) LOCATION AND ARRANGEMENT OF ROADS AND ALLEYS

- (A) The road and alley layout shall conform to the Newton County Comprehensive Plan for the development of the neighborhood in which the proposed subdivision is located.
- (B) Proposed roads shall be adjusted to the contour of the land so as to produce usable lots and roads of reasonable gradient.
- (C) Wherever there exists a dedicated or platted portion of a road or alley adjacent to the proposed subdivision, the remainder of the road or alley shall be platted to the proposed width within the proposed subdivision.
- (D) Alleys shall not be permitted in residential areas but shall be included in areas designated as Business or Industrial Districts by the Zoning Ordinance.
- (E) Dead end roads shall be no longer than six hundred sixty (660) feet in length and shall terminate in a turnaround as further defined in Section 8.10. (5) of this Ordinance.

(2) MINIMUM ROAD AND ALLEY WIDTHS

Roads and alleys shall have widths not less than that indicated on the applicable Thoroughfare Plan.

- (A) Roads in Business and Industrial Districts shall be a minimum of eighty (80) feet in width.
- (B) Roads in Residential and other Districts shall be a minimum of sixty (60) feet in width.
- (C) Alleys shall be a minimum of twenty (20) feet in width.

(3) MINIMUM RADII OF CURVATURE ON THE CENTER LINES

Where a deflection angle of more than ten (10) degrees in the alignment of a road occurs, a curve shall be introduced, providing for:

- (A) Major road, a minimum radius of five hundred (500) feet.
- (B) Other roads, a minimum radius of two hundred (200) feet.

(4) TANGENTS

Between reversed curves, there shall be a minimum tangent for:

- (A) Major roads, of two hundred (200) feet.
- (B) other roads, of fifty (50) feet.

(5) INTERSECTIONS

- (A) At road intersections, property lines shall be rounded by an arc of a least twenty (20) feet in radius.
- (B) All roads intersecting a major road shall do so at right angles or as nearly so as is possible. Roads intersecting at an angle of less than sixty (60) degrees will not be allowed except by Plan Commission approval, in which case the radius of the intersection of the right-of-way lines shall be at least (30) thirty feet.

SECTION 7.20. BLOCKS

- (1) The width of blocks shall be sufficient to allow for two tiers of lots as described in Section 7.30. below.
- (2) Blocks shall not exceed thirteen hundred and twenty (1320) feet in length.

SECTION 7.30. LOTS

- (1) The minimum width and area of lots in the Agriculture and Residential Districts shall conform to the requirements of Section 6.10 of the Zoning Ordinance. In no case shall the width of the lot be less than sixty (60) feet at the building set back line, nor the lot area contain less than ten thousand (10,000) square feet. Where the property is located in a Business or Industrial District, the minimum permissible lot size and frontage shall be at the discretion of the Commission.
- (2) The depth-to-width ratio of the lot shall not be greater than 3.5 to 1.0.
- (3) The building set back lines shall comply with the provisions of Section 6.20. of the Zoning Ordinance.
- (4) Wherever possible, side lines of lots shall be at right angles to straight streets or at radial lines to curved streets.
- (5) Every lot shall abut on a street.
- (6) Through lots will be permitted only at the discretion of the Commission.
- (7) At the discretion of the Plan Commission and subject to sight distance considerations driveways may be restricted to one corner of a lot with the driveway for the adjoining lot at the same common corner. This does not necessarily mean a shared driveway since each lot may have their own driveway. These approved locations will be indicated on the plat. Vehicular access to any lot is to be only at these indicated locations when applicable. Otherwise, vehicular access to any lot is to be only at locations permitted by the Newton County Highway Department.
- (8) Flag lots may be approved providing that the shape of the parent tract or parcel prevents the normal configuration of a lot. The access strip will be considered as a part of the lot but will not be considered in the calculation of the 3.5 to 1 length to width ratio or in the calculation of the minimum area required per lot. The access strip must be a minimum of 30 feet in width. Lots with access strips in excess of 660 feet in length must seek approval from the Plan Commission.

- (9) Except where alleys are provided for such purpose, each lot shall have an easement for utilities along the rear lot line and where necessary, along the side lot line. Such easements shall have a minimum width of twelve (12) feet, the where located along lot lines, one-half the width may be taken from each lot.
- (10) When the terrain so requires, easements for sanitary sewers along lot lines other than the rear lot lines shall be permitted.

SECTION 7.40. PUBLIC SPACES

Whenever a park, recreation area, school site or other open space shown on the Comprehensive Plan is located in whole or in part within the proposed subdivision, the Commission may require the dedication of those spaces or their reservation.

SECTION 7.50. MONUMENTS

Monuments shall be placed so that the top of the monument is level with the finished grade adjoining it and placed so that the marked point on the center shall coincide exactly with the intersection of the lines to be marked.

- (1) Monuments shall be set:
 - (A) At the intersection of all exterior lines forming angles in the boundary of the subdivision.
 - (B) At all points where lot lines intersect curves.
 - (C) At all angles in property lines of lots.
 - (D) At all lot corners.
- (2) Monuments shall consist of galvanized or wrought iron pipe, or iron or steel bars at least three feet in length and not less than 5/8" in diameter.

SECTION 8.00. REQUIRED IMPROVEMENTS

SECTION 8.10. ROADS

Roads and alleys shall be completed to grades shown on plans, profiles, and cross-section prepared by the engineer and accepted by the Board of County Commissioners. The roads shall be graded, surfaced and improved to the dimensions required by the cross-section prescribed for the roads in this Ordinance, and the work shall be performed in the manner prescribed in the "Newton County Highway Specifications for New Roads in Subdivisions" which is herein quoted and made a part of this Ordinance.

- (1) GENERAL
 - (A) These specifications shall be considered as minimum requirements for any road that is to be added to the Newton County Highway System. The Board of County Commissioners may require additional improvements if, in their opinion, they are necessary for the health and safety of the public.

- (B) All materials, equipment, and workmanship shall comply with the applicable provisions of the Indiana State Highway Standard Specification in force at the time the road plans are approved by the county.
- (C) The subdivider shall have his engineer prepare plans and specifications for roads and drainage. These plans should be presented to the County Highway Engineer, Superintendent or Surveyor as early as possible. The Engineer, Superintendent or Surveyor will review the plans and specifications and if found to comply with Newton County requirements and good engineering practices will recommend their approval. The Engineer, Superintendent or Surveyor will inspect the work at three stages: One, after the base has been compacted; Two, after the surface has been placed; and Three, final inspection after all work has been completed.
- (D) There will be no charge to the subdivider for services rendered by the County Engineer, Surveyor, or Highway Superintendent. The subdivider will receive written approval when each of the first two stages of the work are satisfactorily completed.
- (E) No roads will be accepted into the Newton County Highway System until the plat of the subdivision has received Secondary Approval by the Commission and has been recorded in the County Recorder's Office.

(2) WIDTH OF RIGHT-OF-WAY

The minimum right-of-way width shall be sixty (60) feet. This requirement may be increased if the anticipated daily traffic exceeds one hundred (100) or if the horizontal curves are such that sixty (60) feet of right-of-way will not provide a safe sight distance. Additional right-of-way may be required if the side ditch is more than thirty (30) inches below the crown of the road surface or if the crown of the road is more than two (2) feet below the adjacent lot.

(3) WIDTH OF BASE AND SURFACE

The minimum width of stone base shall be twenty-four (24) feet with a blacktop width of twenty-two (22) feet. This requirement shall be increased to twenty-eight (28) feet and twenty-six (26) feet respectively if the anticipated average daily traffic exceeds one hundred (100) or if it is anticipated that the type of traffic that will use the road will require the additional width.

(4) WIDTH OF SHOULDER

The shoulder shall have a minimum width of six (6) feet, the first twelve inches (12") of which adjacent to each side of the pavement shall be constructed of compacted No. 73 aggregate, three inches (3") in depth and from which the shoulder shall slope at a rate not to exceed one inch per foot. The shoulder shall be flared out at the intersections. Additional width of shoulder will be required at locations where the bottom of the side ditch is more than thirty (30) inches below the crown of the road. The shoulder shall be eleven (11) feet wide if the side ditch is more than four (4) feet below the crown of the road. This may require additional right-of-way.

(5) TURNAROUNDS

Turnarounds shall be constructed at the ends of all dead end roads. No dead end road may be longer than six hundred sixty (660) feet to the center of a turnaround. The road surface shall be a minimum of twenty-four (24) feet in width and the radius as measured from the

center of the circle to the outside edge of the road surface shall be a minimum of sixty (60) feet, and a minimum radius to the property line of seventy (70) feet. This ten foot wide strip is required for ditching and snow stockpiling. The circle at the property lines will thus be one hundred forty (140) feet in diameter unless a greater distance is required to comply with paragraph (4) above. See Figure 2.

(6) DRAINAGE

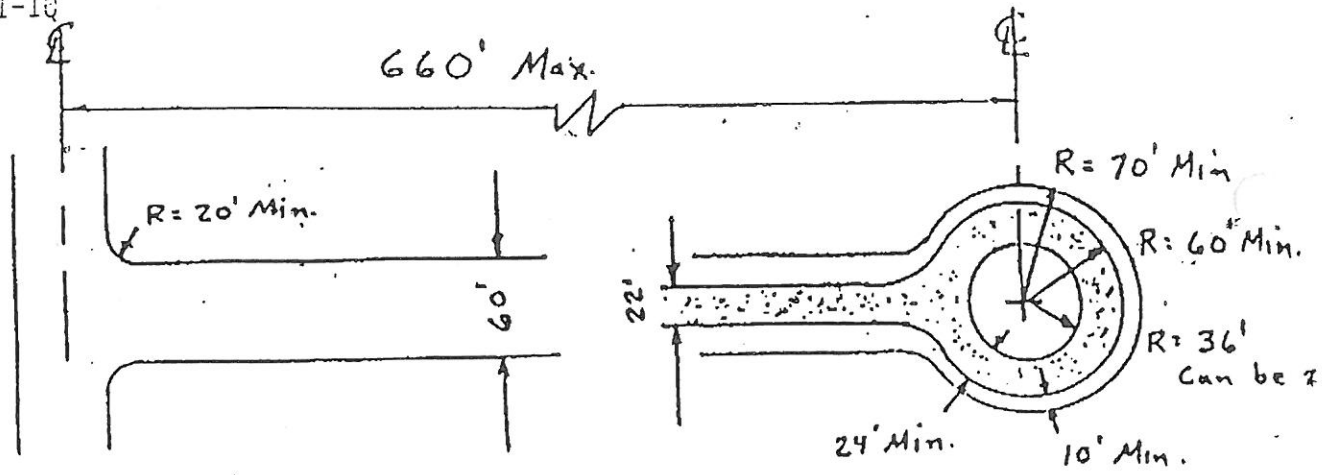
Adequate drainage shall be provided by constructing side ditches, and culverts together with an outlet ditch.

(7) ROAD BASE SPECIFICATIONS

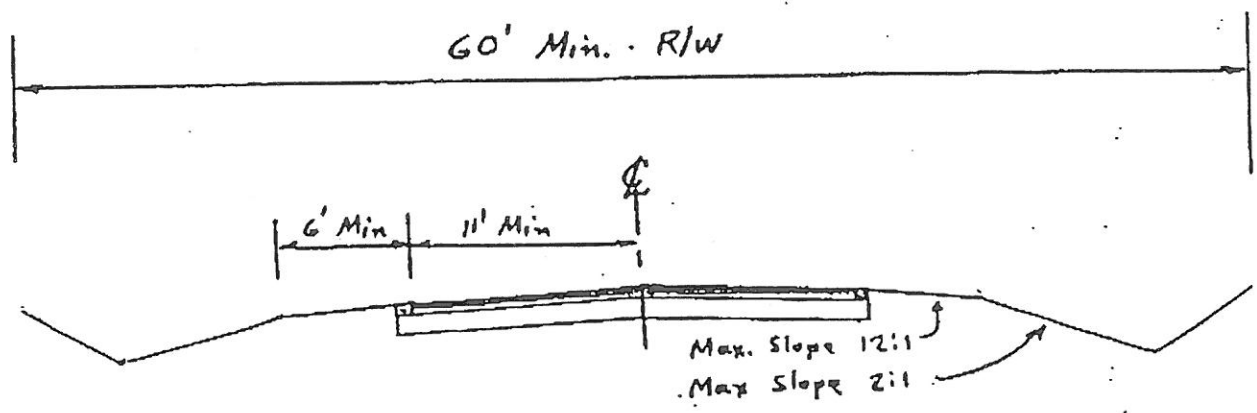
- (A) The road base shall consist of a foundation course of compacted dense-graded aggregate constructed on a prepared subgrade in compliance with the Standard Indiana State Highway Specifications. The base shall conform in all respects with the size of aggregate, thickness and typical cross-section set out elsewhere in these specifications.
- (B) The aggregate used for the base may be crushed stone, crushed gravel, or slag and must meet the specifications for size and gradation of No. 53 aggregate.
- (C) The subgrade shall be shaped and compacted in such a manner that it will not be torn up when the aggregate is being placed.
- (D) The No. 53 aggregate shall be placed to a sufficient depth to provide a depth of six (6) inches after it has been shaped and compacted.

(8) ROAD SURFACE SPECIFICATIONS

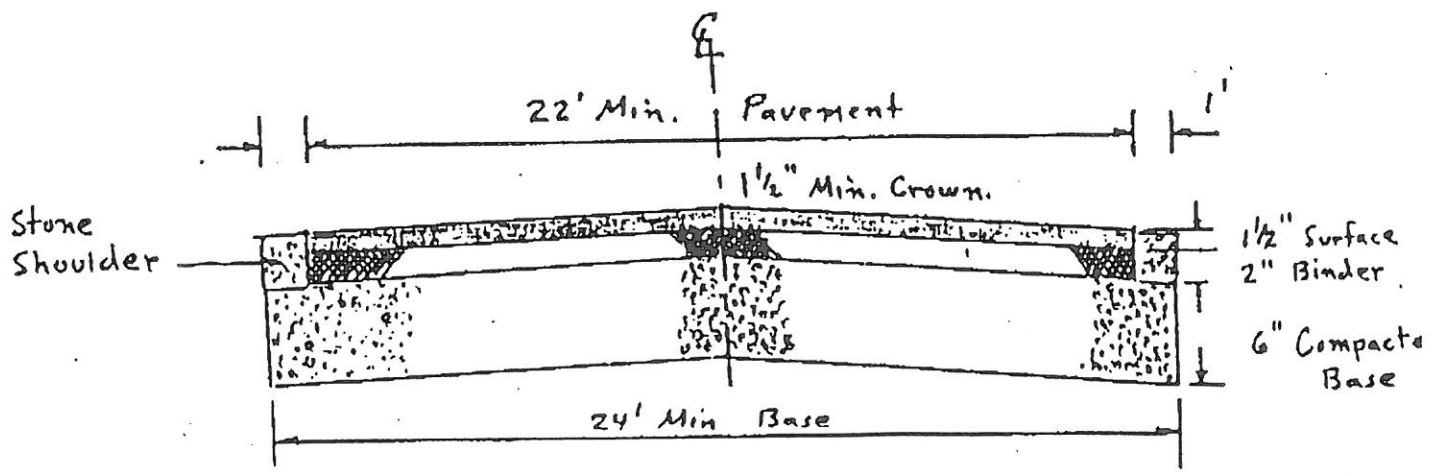
- (A) The road surface shall not be constructed until after the County Highway Superintendent, Engineer or Surveyor has inspected the base. The Superintendent, Engineer or Surveyor will check the size of the aggregate, depth, width and compaction of the base and will issue written approval if the construction of the base is found to be in compliance.
- (B) The developer shall inform the County Highway Superintendent, Engineer or Surveyor as to the name and address of the contractor who will construct the road surface. The Superintendent, Engineer or Surveyor will inspect the equipment and materials to be used and will give approval if they are found to be substantially in compliance with the specifications.
- (C) The minimum acceptable depth of the bituminous pavement shall be three and one-half (3 1/2) inches composed of the following:
 - 1. A minimum of two (2) inches of #8 binder as base.
 - a. The composition of the bituminous mixture shall comply with the Indiana State Highway Specifications for hot asphalt emulsion Type "III" or hot asphalt concrete Type "A" using No. 8 size coarse aggregate.
 - b. The bitumen content of hot asphalt emulsion Type "III" shall 7.3% with a tolerance of 0.3%.



Typical Cul-de-sac



Typical Road Section



Typical Detail

Figure 2 Road Details

- c. The bitumen content of hot asphalt concrete Type "A" shall be 4.6% with a tolerance of 0.3%.
- 2. The minimum acceptable depth of the bituminous surface shall be one and one-half (1 1/2) inches of No. 11 surface material.
 - a. The composition of the bituminous surface mixture shall comply with the Indiana State Highway Specifications for hot asphalt emulsion Type "III" or hot asphalt concrete Type "A" using No. 11 size aggregate.
 - b. The bitumen content of hot asphalt emulsion Type "III" shall 7.3% with a tolerance of 0.3%.
 - c. The bitumen content of hot asphalt concrete Type "A" shall be 6.2% with a tolerance of 0.3%.

(9) CLEARING OF AREA

All unsightly and objectionable materials shall be removed from the right-of-way prior to acceptance. All trees, brush, and stumps shall be removed from the right-of-way. In no case will trees be permitted in the right-of-way. The entire right-of-way must be seeded and shall be in a neat and presentable condition.

(10) TYPICAL SECTION (SEE FIGURE 2)

SECTION 8.20. SEWERS

- (1) Where required by State Statute or Local Ordinance the subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the two following procedures:
 - (A) Public Collection System - In all cases where such is possible the subdivider shall construct a sanitary sewer system connected to a municipal sewer.
 - 1. The plans for the system shall be approved by the affected municipality and the Commission and shall be designed and constructed in accordance with the municipal specifications.
 - 2. Service laterals shall be installed between the road main and the property line before the road is paved.
 - (B) Local Treatment System - Where it is not possible to connect the subdivision sanitary sewer system to a municipal sewer, the subdivider shall construct a local treatment system consisting of the necessary house laterals, service mains, and interceptors required to conduct the subdivision's sanitary sewage to a single treatment facility. All aspects of such system including the treatment facility, shall be designed and constructed by the subdivider in accordance with the requirements of the Indiana State Board of Health and the Newton County Health Department.
- (2) Private Disposal System - Where alternatives (A) and (B) above are not required, the lot owner or Agent shall make provisions to install an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved disposal system. Such systems shall be designed and constructed in accordance with the Indiana

State Board of Health and the Newton County Health Officer. In no case, however, shall private disposal systems be permitted where rock or impervious clay conditions exist which would prevent percolation of effluent.

SECTION 8.30. WATER

Where available the subdivider shall connect the subdivision to a municipal or community water utility system. Taps shall be provided to each individual lot.

SECTION 8.40. STORM DRAINAGE

The subdivider shall provide the subdivision with adequate storm water drainage. Easements for such surface drainage shall be provided. Such surface drainage system shall be made a Regulated Drain in accordance with the provisions of I.C. 36-9-27. Whenever the evidence available to the Commission indicates the natural drainage is inadequate and cannot be made adequate the subdivider shall provide the subdivision with an adequate storm water sewer system along with the required easements. When a detention/retention pond is required it shall be placed on a separate outlot of sufficient size to provide for proper maintenance of the outlot and the pond. The developer shall create a property owner's association to retain ownership of the outlot and to insure the periodic maintenance of the outlot and the pond.

SECTION 8.50. OTHER UTILITIES

The subdivider shall provide the subdivision with adequate telephone, electric, and other businesses or services found by the Commission to be a necessary utility. Said utility shall be provided by the subdivider in accordance with all local ordinances, state statutes, and federal regulation

SECTION 9.00. PLAT CERTIFICATES

The following forms shall be used in plats:

(1) COMMISSION CERTIFICATE OF PRIMARY APPROVAL

UNDER AUTHORITY PROVIDED BY THE INDIANA ADVISORY PLANNING LAW, I.C. 36-7-4, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF NEWTON COUNTY, INDIANA, THIS PLAT WAS GIVEN PRIMARY APPROVAL AS FOLLOWS:

Approved by the Newton County Plan Commission at a meeting held _____
_____ 20____.

NEWTON COUNTY PLAN COMMISSION

President

Secretary

(2) COMMISSION CERTIFICATE OF SECONDARY APPROVAL

UNDER AUTHORITY PROVIDED BY THE INDIANA ADVISORY PLANNING LAW I.C. 36-7-4, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF NEWTON COUNTY, INDIANA, THIS PLAT WAS GIVEN SECONDARY APPROVAL AS FOLLOWS:

Approved by the Newton County Plan Commission _____
_____, 20____.

NEWTON COUNTY PLAN COMMISSION

President

Secretary

(3) CERTIFICATE OF ACCEPTANCE OF ROADS

ROADS WITHIN THIS SUBDIVISION ARE HEREBY ACCEPTED INTO THE NEWTON COUNTY HIGHWAY SYSTEM.

Approved by the Board of County Commissioners of Newton County
_____, 20____.

(4) CERTIFICATE OF ACCEPTANCE OF DRAINAGE SYSTEM

THE SURFACE DRAIN SYSTEM AS SHOWN HEREON IS HEREBY ACCEPTED AS A REGULATED DRAIN.

Approved by the Newton County Drainage Board.

_____, 20____, chairman,
Newton County Drainage Board

(5) SURVEYORS CERTIFICATE

Each final plan submitted to the Commission for approval shall carry a certificate signed by a Registered Land Surveyor in substantially the following form:

"I....(name)....hereby certify that I am a Registered Land Surveyor licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on(date); that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown."

(SEAL), (Signature)

(6) DEED OF DEDICATION

Each final plat of a subdivision submitted to the Commission shall carry a Deed of Dedication in substantially the following form:

"We the undersigned,(names), owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided and do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____, a subdivision of or an addition to _____, Indiana. All roads and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines or between which lines and the road right of way line there shall be erected or maintained no building or structure.

There are strips of ground....(number) or (various)....feet in width as shown on this plat and marked "easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

The undersigned, owner and developer of this subdivision hereby agrees that a surface drainage system, and outlet, as may be shown hereon, is to be accepted into the Newton, County Indiana regulated drain system under the jurisdiction of the Newton County Drainage Board, and agrees to an annual assessment of twenty-five dollars (\$25.00) per lot per annum, starting in the calendar year following date of recording. Said assessment is

agreed to and is hereby waived from requirement of a formal hearing, but otherwise in accordance with IC 36-9-27-1 et. seq.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider initiation or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20____, (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless changed by a vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part.

Enforcement of these covenants (or restrictions) is the responsibility of the subdivider and/or the landowners and shall not be the responsibility of the Building Commissioner or other county officials. Invalidity of any one of the foregoing covenants, or restrictions, by judgement or court order, shall in no way affect any of the other covenants, or restrictions, which shall remain in full force and effect.

Witness our hands and seals this _____ day of _____,
20____.

Signature

Signature

(7) NOTARY CERTIFICATE

State of Indiana)
) SS:
County of Newton)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared
(Name)
..., (Name) ..., (Name) ..., and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act or deed, for the purposes therein expressed.

Witness my hand and notarial seal this day of _____,
20____.

(Notary Public)

County of Residence _____

My Commission Expires: _____

SECTION 10.00. VARIANCE

Where the subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where, in the opinion of the Plan Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission, and the reasoning on which the departure was justified shall be set forth. The Plat Committee may not grant a variance.

SECTION 11.00. PLANNED UNIT DEVELOPMENT

A Planned Unit Development may be approved. See the Newton County Zoning Ordinance for requirements.

SECTION 12.00. MISCELLANEOUS

SECTION 12.10. REPEALER

Ordinance 97-6 "Subdivision Control Ordinance for Newton County" is hereby repealed.

SECTION 12.20. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption.

Passed and enacted by the Board of Commissioners of Newton County, Indiana, on the 4th day of November 2002.

BOARD OF COUNTY COMMISSIONERS

Theresa Hanford
Russell Allen
James Distillo

ATTEST:

Marcus L. Scott